

The article was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely, (metal container) "Kalms Formula (* * *) Amidopyrin 3 grains."

It was alleged to be misbranded in that the device "Kalms" on the metal container and display carton, and the statements on the display carton, "Relief For Headache Neuralgia Muscular & Rheumatic Pains * * * that storm of Pain will yield to Kalms * * * Kalms are suggested for Colds * * * Headache, Neuralgia, Muscular and Rheumatic Pains," and the statements on the metal container, "Rapid Pain Relief For headache, colds, neuralgia, muscular and rheumatic pains * * * Kalms Formula Antipyrin 2 grains Amidopyrin 3 grains Caffein $\frac{1}{2}$ grain Directions Take one or two Kalms tablets at first indication of pain. If relief does not follow in half hour, take one tablet. Do not repeat dose thereafter for two hours," were false and misleading in that they created the impression that the article when taken as directed, was a safe medicament; whereas when taken as directed, it was not safe but was a dangerous medicament.

Misbranding was alleged further in that the device and the above-quoted statements, regarding the curative and therapeutic effects of the article, were false and fraudulent in that they created the impression that the article when used as directed, was a safe and appropriate medicament for the disease conditions mentioned; whereas it was a dangerous medicament when used as directed. Misbranding was alleged further in that the following statements on the metal container and display carton regarding the curative or therapeutic effects of the article were false and fraudulent: (Metal container) "Rapid Pain Relief For * * * neuralgia * * * and rheumatic pains"; (display carton) "Relief For * * * Neuralgia * * * & Rheumatic Pains * * * Kalms are suggested for * * * Neuralgia * * * and Rheumatic Pain * * * that storm of Pain will yield to Kalms."

On November 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29796. Adulteration of nitroglycerin tablets and misbranding of Glophen Tablets. U. S. v. Westwood Pharmacal Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 39503. Sample Nos. 20117-C, 27759-C, 54725-B.)

This case involved nitroglycerin tablets which contained less nitroglycerin than declared on the label, and Glophen Tablets which contained sodium nitrite in excess of the amount declared.

On June 21, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Westwood Pharmacal Corporation, Buffalo, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about February 28 and September 23, 1936, from the State of New York into the State of Pennsylvania of quantities of nitroglycerin tablets which were adulterated, and on or about February 4, 1937, from the State of New York into the State of New Hampshire of a quantity of Glophen Tablets which were misbranded. The articles were labeled respectively: "Nitro Glycerin 1/100 gr. * * * Prepared for Physicians Service Co. Sayre, Pa."; and "Glophen (Marcy) * * * Sodium Nitrite 1 Gr. * * * Distributed by E. H. Marcy Drug Co. * * * Hillsboro, N. H."

The nitroglycerin tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that each tablet was represented to contain one one-hundredth of a grain of nitroglycerin; whereas each tablet did not contain one one-hundredth of a grain of nitroglycerin, but did contain a less amount, samples from the two shipments having been found to contain one one-hundred twenty-fifth of a grain and one one-hundred thirtieth of a grain, respectively, of nitroglycerin, per tablet.

The Glophen Tablets were alleged to be misbranded in that the statement "Sodium Nitrite 1 Gr.," borne on the label, was false and misleading in that it represented that each tablet contained 1 grain of sodium nitrite, whereas each of said tablets contained more than 1 grain, namely, not less than 1.175 grains of sodium nitrite.

On November 18, 1938, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of \$50 on each of the three counts but suspended payment on count 1.

M. L. WILSON, *Acting Secretary of Agriculture.*